

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: StaceyAnn McFarlane-Ross	Team: Squad #15	CCRB Case #: 201802201	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/21/2018 9:46 AM	Location of Incident: Intersection of Northern Boulevard and King Road	Precinct: 109	18 Mo. SOL 9/21/2019	EO SOL 9/21/2019	
Date/Time CV Reported Wed, 03/21/2018 10:04 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/21/2018 10:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Alonzo	21206	929618	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Alonzo	Discourtesy: Police Officer Michael Alonzo spoke discourteously to § 87(2)(b)	
B.POM Michael Alonzo	Discourtesy: Police Officer Michael Alonzo acted discourteously toward § 87(2)(b)	

### Case Summary

On March 21, 2018, § 87(2)(b) filed this complaint via telephone with the New York Civilian Complaint Review Board.

On March 21, 2018, at approximately 9:46 a.m., § 87(2)(b) was driving along King Road in Queens when he was stopped at the intersection of Northern Boulevard and King Road in Queens by PO Michael Alonzo from the 109<sup>th</sup> Precinct. Once § 87(2)(b) stopped his car, PO Alonzo approached him and asked him why he was using his cell phone. § 87(2)(b) informed PO Alonzo that he was not using the cell phone and that he just left the DMV for a phone infraction. PO Alonzo responded, “Yeah, you fucking TLC are always lying. I don’t have time to waste doing this bullshit listening to your story. Give me your license and registration” (**Allegation A: Discourtesy**, § 87(2)(g)). At that moment, § 87(2)(b) handed PO Alonzo his driver’s license and attempted to hand him a PBA card. PO Alonzo told § 87(2)(b) “I don’t want to see this shit. All of you have it” (**Allegation A subsumed: Discourtesy**, § 87(2)(g)). Once PO Alonzo had § 87(2)(b)’s driver’s license, he went to his police car. At that point, § 87(2)(b) attempted to show PO Alonzo his DMV receipt and PO Alonzo responded, “You don’t have to prove shit to me, you can show that to the judge” (**Allegation A subsumed: Discourtesy**, § 87(2)(g)). Approximately a minute and a half later, PO Alonzo returned to § 87(2)(b)’s car and stood at the rear passenger side of the car and threw the summons and the driver’s license, in which § 87(2)(b) was able to catch the documents with his hands (**Allegation B: Discourtesy**, § 87(2)(g)).

§ 87(2)(b) was issued a traffic violation summons for § 87(2)(b). During the course of the investigation, video footage was not available.

### Findings and Recommendations

#### **Allegation (A) Discourtesy: Police Officer Michael Alonzo spoke discourteously to § 87(2)(b)**

§ 87(2)(b) (BR 01, 02, 03) testified during the car stop, PO Alonzo used profanity towards him when he attempted to explain to PO Alonzo that he was not using his cell phone as his phone was mounted on the windshield. § 87(2)(b) described PO Alonzo made the following statement to him, “Yeah, you fucking TLC are always lying. I don’t have time to waste doing this bullshit listening to your story. Give me your license and registration.” As § 87(2)(b) retrieved his driver’s license, he also attempted to hand PO Alonzo a PBA card, and PO Alonzo responded, “I don’t want to see this shit. All of you have it.” After PO Alonzo had § 87(2)(b)’s driver’s license and was about to go to his police car, § 87(2)(b) attempted to show PO Alonzo the receipt he received from the DMV and PO Alonzo told him, “You don’t have to prove shit to me, you can show that to the judge.”

PO Alonzo (BR 04) testified after observing § 87(2)(b) using his cell phone while driving, he stopped him and approached § 87(2)(b)’s driver’s side. PO Alonzo did not observe § 87(2)(b)’s cell phone mounted on the windshield. PO Alonzo informed § 87(2)(b) the reason for the stop and asked him for his driver’s license. § 87(2)(b) did not delay in handing PO Alonzo his driver’s license and he did not present a PBA card to PO Alonzo. § 87(2)(b) did not explain to PO Alonzo that he recently came from the DMV. PO Alonzo did not use any profanity towards

§ 87(2)(b) PO Alonzo informed § 87(2)(b) that he could plead not guilty at court after § 87(2)(b) yelled at him that he was not talking on his phone but was using it for the GPS.

§ 87(2)(g)

**Allegation (B) Discourtesy: Police Officer Michael Alonzo acted discourteously to § 87(2)(b)**

§ 87(2)(b) explained approximately one and half minute later, PO Alonzo returned to his car and stood by the rear passenger door and flicked his wrist with the summons and driver's license. § 87(2)(b) extended his arms through the window and caught the summons and the driver's license. After that, PO Alonzo walked away without providing an explanation about the summons he issued to § 87(2)(b).

PO Alonzo testified when he returned to § 87(2)(b) with the summons he went to the driver's door by the center post of the car and handed the summons and driver's license to § 87(2)(b). PO Alonzo did not throw the summons and the driver's license at § 87(2)(b). Once § 87(2)(b) took the summons he yelled at PO Alonzo that he was not talking on the phone but was using the GPS. PO Alonzo explained to § 87(2)(b) that he received the summons for having the phone in his hand and he should go to court and plead not guilty before walking away.

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 06).
- PO Michael Alonzo has been a member of service for 15 years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- On May 3, 2018, a request was sent to the New York City Office of the Comptroller and will be added upon its receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: 15

Investigator:	_____	<u>Inv. McFarlane-Ross</u>	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date